

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 12/19/2023

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK
 UNITED STATES OF AMERICA,

-against-

MUSTAFA KAMEL MOSTAFA,
 a/k/a “Abu Hamza al-Masri,”

Defendant.

MUSTAFA KAMEL MOSTAFA,
 a/k/a “Abu Hamza al-Masri,”

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

ANALISA TORRES, District Judge:

04 Cr. 356-1 (AT)

23 Civ. 7415 (AT)

ORDER

On October 5, 2020, Defendant *pro se* filed a motion pursuant to 28 U.S.C. § 2255. ECF No. 571.¹ On October 7, 2020, the Court held the motion in abeyance until the appeal of Defendant’s *pro se* Rule 33 motion became final. ECF No. 573. On October 4, 2022, Defendant’s counsel advised the Court that Defendant’s Rule 33 appeal remained pending as he sought to file a petition for certiorari to the United States Supreme Court. ECF No. 604. Accordingly, the Court continued to hold Defendant’s motion in abeyance. ECF No. 605. On August 18, 2023, Defendant *pro se* filed an additional motion pursuant to 28 U.S.C. § 2255, which created a related case. ECF No. 607; *see* No. 23 Civ. 7415.

On September 8, 2023, Defendant, through counsel, filed a letter stating his intention to move for compassionate release and requesting that this Court continue to hold the motion pursuant to 28 U.S.C. § 2255 in abeyance until it had ruled on Defendant’s motion for compassionate release. ECF No. 609. On December 15, 2023, Defendant filed his motion for compassionate release. ECF No. 615.

Accordingly, until the Court has ruled on Defendant’s motion for compassionate release, ECF No. 615, the Court shall HOLD IN ABEYANCE Defendant’s motions pursuant to 28 U.S.C. § 2255, ECF Nos. 571, 607, and STAY the related civil case, No. 23 Civ. 7415.

SO ORDERED.

¹ ECF citations are to the docket in No. 04 Cr. 356-1.

Dated: December 19, 2023
New York, New York



ANALISA TORRES
United States District Judge